UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,452	07/06/2007	Craig Gregory Smith	FBRIC53.001APC	8047

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EXAMINER
AMBAYE, SAMUEL

ART UNIT	PAPER NUMBER
2433	

NOTIFICATION DATE	DELIVERY MODE
12/23/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/563,452	SMITH, CRAIG GREGORY
	Examiner	Art Unit	
	SAMUEL AMBAYE	2433	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 September 2010</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-23</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>03 January 2006</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/07/2006, 07/10/2008</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.　　This action is responsive to communication filed on 23 September 2010, in which

claims 1-23 are presented for examination.

2.　　Claims 1-23 are pending in this application. Claims 1, 8, and 15 are in

independent form. Claim 24 is canceled. Claims 1, 8, and 16 are amended.

Response to Arguments

3.　　Applicant's arguments filed on 23 September 2010 have been considered but

they are moot due to new ground(s) of rejection below initiated by Applicant's

amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

4.　　Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Maloney (US Pub. 20080117053 A1) in view of Grimes et al. (WO 03/046819 A1).

Regarding claim 1, Maloney discloses **a computerized identity matching management method for regulating the issue of secure assets** (abstract, lines 1-2), **the method comprising: "an issuer of an asset receiving a request for release of the asset from a receiver of the asset"** (para. 0012, and para. 0037- a biometric identification unit 26 is coupled to the controller by a communications link 26 for positively identifying users during a transaction. The biometric identification unit may take the form of a fingerprint reader, a facial feature scanner, a retinal scanner, or other type of scanner, or combinations thereof, for scanning a selected unique biometric feature of users who request access to the system); **"identifying the asset having a classification identifier"** (para. 0009); **"after the request identifying the issuer of the asset"** (para. 15, lines 1-21- the supervisor is analogous to an asset issuer since they are responsible for asset assignment- see para. 56); and after the request identifying the receiver of the asset (para. 12, lines 1-3);

Maloney does not explicitly teaches the following **"wherein identifying the issuer and identifying the receiver each comprise: a management computer receiving a request to initiate the capture process from a capture apparatus waiting to commence a capture process of a biometric of the issuer or the receiver"** however Grimes teaches that in (abstract- lines 4-6); **"the management computer responding to the request by returning a message to the capture apparatus"** however Grimes teaches that in (page 2, lines 12-13), **"the message comprising a unique code"** however Grimes teaches that in (abstract- lines 8-9), **"wherein receipt of the message comprising the code at the capture apparatus**

causes initiation of the capture process" however Grimes teaches that in (abstract-lines 9-11); "the capture apparatus encoding a captured biometric of the issuer or of the receiver" however Grimes teaches that in (page 8, lines 15-16); "the management computer, after returning the message, receiving the encoded captured biometric" however Grimes teaches that in (abstract- lines 12-14); and "the management computer decoding the captured biometric and initiating a matching process to find a match for the decoded captured biometric against stored records and generating an identification code representative of the issuer or of the receiver of the asset when a match is found" however Grimes teaches that in (page 3, lines 32-35); "retrieving a privilege of the receiver to determine whether the privilege matches the classification identifier of the asset" however Grimes teaches that in (page 4, lines 24-31); and, "if a match is determined: "issuing the asset and recording information to form a use record relating to the issue of the asset" however Grimes teaches that in (page 4, lines 31-33);

Therefore, a person of ordinary skill in the art at the time of the invention would have found it obvious to use the biometric capture process of Grimes in the asset issuing process of Maloney in order to automate user identification with a minimum of user identification.

Regarding claim 2, the combination of Maloney and Grimes discloses the process according to claim 1, "wherein the management computer returning the message to the capture apparatus occurs at a first time, the management

computer receiving the encoded captured biometric occurs at a second time, and

the management computer operating to decode the encoded captured biometric

and initiate the matching process only when the second time is less than a time

interval later than the first time" (Grimes- pg. 3, lines 4-14).

Regarding claim 3, the combination of Maloney and Grimes discloses the

process according to claim 1, **"further comprising generating an alert if the privilege**

does not match the asset classification" (Maloney- para. 54- lines 11-14).

Regarding claim 4, the combination of Maloney and Grimes discloses the

process according to claim 1, **"wherein the assets comprises at least one of**

firearms, weapons, batons, pharmaceutical medications and products, narcotics,

precious metals and legal documents" (Maloney- para. 8, lines 13-18).

Regarding claim 5, the combination of Maloney and Grimes discloses the

process according to claim 1, **"wherein the unique classification identifier is**

securely attached to or imprinted directly onto or into, the asset" (Maloney- para.

9, lines 4-15).

Regarding claim 7, the combination of Maloney and Grimes discloses according

to claim 1, **"wherein the unique classification identifier comprises a radio**

frequency identifier" (Maloney- para. 9, lines 4-15).

Regarding claim 8, Maloney discloses **a computerized identity matching
management method for regulating the return of secure assets"** (abstract, lines 1-
2), **the method comprising: "identifying an asset having a unique classification
identifier"** (para. 9); **"identifying a receiver who seeks to return the asset"** (para.
12, lines 1-3);

Maloney does not explicitly teaches the following **identifying the receiver
comprising: "a management computer receiving a request to initiate the capture
process, from a capture apparatus waiting to commence a capture process of a
biometric of the receiver"** however Grimes teaches that in (abstract- lines 4-6); **"the
management computer responding to the request by returning a message to the
capture apparatus"** however Grimes teaches that in (page 2, lines 12-13), **"the
message comprising a unique code"** however Grimes teaches that in (abstract- lines
8-9), **"wherein receipt of the message comprising the code at the capture
apparatus causes initiation of the capture process"** however Grimes teaches that in
(abstract- lines 9-11); **"the capture apparatus encoding a captured biometric of the
receiver"** however Grimes teaches that in (page 8, lines 15-16); **"the management
computer, after returning the message, receiving the encoded captured
biometric"** however Grimes teaches that in (abstract- lines 12-14); **and "the
management computer decoding the captured biometric and initiating a matching
process to find a match for the decoded captured biometric against stored
records and generating an identification code representative of the receiver when**

a match is found" however Grimes teaches that in (page 3, lines 32-35); **"retrieving a**

privilege of the receiver to determine whether the privilege matches the asset

classification identifier of the asset" however Grimes teaches that in (page 4, lines

24-31); **and, if a match is determined: "retrieving the asset from the receiver and**

recording information to form a use record relating to the retrieval of the asset"

however Grimes teaches that in (page 4, lines 31-33);

Therefore, a person of ordinary skill in the art at the time of the invention would

have found it obvious to use the biometric capture process of Grimes in the asset

issuing process of Maloney in order to automate user identification with a minimum of

user identification.

Regarding claim 9, the combination of Maloney and Grimes discloses **"further**

comprising identifying an issuer of assets to whom the asset is returned" (para.

12, lines 1-3);

Maloney does not explicitly teaches the following **wherein identifying the issuer**

comprises: "the management computer receiving a request to initiate the capture

process, from a capture apparatus waiting to commence a capture process of a

biometric of the issuer" however Grimes teaches that in (abstract- lines 4-6); **"the**

management computer responding to the request by returning a message to the

capture apparatus at a first time" however Grimes teaches that in (page 2, lines 12-

13); **"the message comprising a unique code"** however Grimes teaches that in

(abstract- lines 8-9), **and "receipt of the message comprising the code at the**

capture apparatus causing initiation of the capture process" however Grimes

teaches that in (abstract- lines 9-11); **"the capture apparatus encoding a captured**

biometric" however Grimes teaches that in (page 8, lines 15-16); **"the management**

computer, after returning the message, receiving the encoded captured

biometric" however Grimes teaches that in (abstract- lines 12-14); **and "the**

management computer decoding the captured biometric and initiating a matching

process to find a match for the decoded captured biometric against stored

records and generating an identification code representative of the issuer when a

match is found" however Grimes teaches that in (page 3, lines 32-35);

Therefore, a person of ordinary skill in the art at the time of the invention would

have found it obvious to use the biometric capture process of Grimes in the asset

issuing process of Maloney in order to automate user identification with a minimum of

user identification.

Regarding claim 10, the combination of Maloney and Grimes discloses **"where**

the management computer returning the message to the capture apparatus

occurs at a first time, the management computer receiving the encoded captured

biometric occurs at a second time, and the management computer operating to

decode the encoded captured biometric and initiate the matching process only

when the second time is less than a time interval later than the first time" (Grimes-

pg. 3, lines 4-14).

Regarding claim 11, the combination of Maloney and Grimes discloses **"wherein the asset comprises any one or more of firearms, weapons, batons, pharmaceutical medications and products, narcotics, precious metals, and legal documents"** (Maloney- para. 8, lines 13-18).

Regarding claim 12, the combination of Maloney and Grimes discloses **"wherein the unique classification identifier is securely attached to or imprinted directly onto or into, the asset"** (Maloney- para. 0009, lines 4-15).

Regarding claim 13, the combination of Maloney and Grimes discloses **"where the unique classification identifier comprises a barcode"** (Maloney- para. 0099, lines 8-29).

Regarding claim 14, the combination of Maloney and Grimes discloses **"where the unique classification identifier comprises a radio frequency identifier"** (Maloney- par.000 9).

Regarding claim 15, Maloney discloses **a computerized identity matching management system for regulating the issue of, or the return of, secure assets** (abstract, lines 1-2), **the system comprising: "a data depository configured to store records of assets each asset having a unique asset classification identifier and to store a record of receivers and a privilege for each receiver"** (Maloney- para. 0035

- The system 11 comprises a storage unit 12 that, in this embodiment, takes the form of

a cabinet housing an openable drawer 13. The drawer 13 has an internal panel 14

formed with an array of slots or receptacles 13 sized and shaped to receive trackable

objects 33, each having at least one unique readable identification code contained

within a contact memory button, RFID chip or otherwise); **"an asset identifier**

configured to identify the asset to be issued or to be returned" (para. 0009);

Maloney does not explicitly teaches the following **a computer programmed to:**

"receive a request to initiate a capture process from a capture apparatus waiting

to commence a capture process of a biometric so as to identify a receiver who is

requesting the issue of an asset or the return of an asset" however Grimes teaches

that in (abstract- lines 4-6); **"respond to the request by returning a message to the**

capture apparatus" however Grimes teaches that in (page 2, lines 12-13); **"the**

message comprising a unique code" however Grimes teaches that in (abstract- lines

8-9); **"wherein receipt of the message comprising the code at the capture**

apparatus causes initiation of the capture process" however Grimes teaches that in

(abstract- lines 9-11); **"after returning the message, receive a captured biometric**

from the capture apparatus encoded with the code" however Grimes teaches that in

(page 8, lines 15-16); **and "to decode the captured biometric"** however Grimes

teaches that in (page 3, lines 32-35); **and "an authentication server configured to**

perform a matching process to find a match for the decoded captured biometric

against stored records and to generate an identification code representative of

the receiver who is requesting the issue of an asset or the return of an asset

when a match is found" however Grimes teaches that in (page 3, lines 32-35); **"the**

server further configured to retrieve the privilege of the receiver to determine

whether the privilege matches the asset classification identifier" however Grimes

teaches that in (page 4, lines 24-31); **and "if a match is determined to form a use**

record relating to the issue of the asset or the return of the asset" however

Grimes teaches that in (page 4, lines 31-33);

Therefore, a person of ordinary skill in the art at the time of the invention would

have found it obvious to use the biometric capture process of Grimes in the asset

issuing process of Maloney in order to automate user identification with a minimum of

user identification.

Regarding claim 16, the combination of Maloney and Grimes discloses **"wherein**

the management computer returning the message to the capture apparatus

occurs at a first time, the management computer receiving the encoded captured

biometric occurs at a second time, and the management computer operating to

decode the encoded captured biometric and initiate the matching process only

when the second time is less than a time interval later than the first time" (Grimes-

pg. 3, lines 4-14).

Regarding claim 17, the combination of Maloney and Grimes discloses,

"wherein the computer is further programmed to identify an issuer of assets"

(Maloney- para. 15, lines 1-21).

Regarding claim 18, the combination of Maloney and Grimes discloses **"wherein the use record of each asset further includes the date and time that the asset was issued by the issuer and received by the receiver"** (Maloney- para. 0015).

Regarding claim 19, the combination of Maloney and Grimes discloses, **"wherein the use record of each asset includes a date and a time that the issuer received the asset"** (Maloney- para. 0015).

Regarding claim 20, the combination of Maloney and Grimes discloses **"wherein the computer is further programmed such that if a match is determined, a message is generated authorizing the release of the asset to the receiver"** (Grimes- page 3, lines 32-35);

Regarding claim 21, the combination of Maloney and Grimes discloses **"wherein the computer is further programmed such that if a match is not determined the issuer is alerted"** (Maloney- para. 54- lines 11-14).

Regarding claim 22, the combination of Maloney and Grimes discloses **"wherein the asset identifier comprises a radio frequency reader"** (Maloney- para. 9, lines 4-15).

Regarding claim 23, the combination of Maloney and Grimes discloses **"where the asset identifier comprises a barcode reader"** (Maloney- para. 0099, lines 8-29).

Conclusion

1.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL AMBAYE whose telephone number is (571)270-7635. The examiner can normally be reached on Monday-Friday, 7:30am-5:00pm., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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